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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,452	04/12/2006	Kok Seng Chong	2006-0364A	2087
52349 7590 04/13/2009 WENDEROTH, LIND & PONACK L.L.P. 1030 15th Street, N.W. Suite 400 East Washington, DC 20005-1503				
EXAMINER				
ABEBE, DANIEL DEMELASH				
ART UNIT		PAPER NUMBER		
2626				
MAIL DATE		DELIVERY MODE		
04/13/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/575,452

**Applicant(s)**

CHONG ET AL.

**Examiner**

Daniel D. Abebe

**Art Unit**

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 April 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1, 14 and 15 is/are rejected.  
7) ☒ Claim(s) 2-13 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☒ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/CDC)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

***Information Disclosure Statement***

The information disclosure statement filed on 4/12/2006 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Note: Some of the documents in the IDS were crossed through because they do not have an English translation.

***Priority***

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 4/23/2004. It is noted, however, that applicant has not filed a certified copy of the 2004-128961 application as required by 35 U.S.C. 119(b).

**DETAILED ACTION**

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 16 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claim reciting the program used for generating a coded signal is directed to non-statutory functional descriptive material type because it doesn't fall within one of the four categories of patent eligible subject matter recited under 35 U.S.C. 101.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kristofer WO (2003-046891) in view of applicant's admission (Par.0005-0009, 0012).

As to claim 14, Kristofer teaches a high frequency reconstruction technique in a coding method of generating a coded signal that includes information for regenerating a signal at a high-frequency range by replicating a signal at a low-frequency range, the ranges being segments in a time direction and in a frequency direction, said coding method comprising:

Performing linear prediction on the signal (spectral envelope);

obtaining, (tonality) a tone-to-noise ratio of the signal at high-frequency range and a tone-to-noise ratio of the signal at the low-frequency range to be replicated at the high-frequency range;

adjusting tonal characteristics of the signal at the low-frequency range to be replicated at the high-frequency range, based on the tone-to-noise ratios calculated;

and generating the coded signal that includes the calculated adjustment coefficient (Claims 1, 9-10; Page 8, lines 20-25; Fig.9).

Kristofer teaches where the replicated signal is adjusted from the tonal ratio, however, he doesn't explicitly teach calculating adjustment coefficients from the tonal ratio. however applicant in the background explained where in the coding method of the conventional art for replicating low frequency signal for the high frequency signal at segmented high frequency and low frequency range signal, comprising the steps of calculating a tone-to-noise ratio of a high-frequency signal of an input signal and a tone-to-noise ratio of a signal generated by replicating a low-frequency signal at high frequency and where the chirp factor (adjustment coefficient) are obtained from (Par.0012). the step of calculating the coefficients for adjusting tonal characteristics from the tonal ratio as claimed is obvious in Kristofer teaching per applicant's own admission for the purpose of matching the replicated signal with the original signal.

With respect to claim 14, the corresponding coding equipment for performing the claimed method of claim 1 is analogous and therefore rejected by Kristofer and applicant's admission in the background for the foregoing reasons.

#### ***Allowable Subject Matter***

Claims 2-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 2 and 10 are allowable because the prior arts of record do not teach the tone to noise ratio calculation and the signal component calculation unit in the manner claimed.

Claim 4 is allowable because the prior arts of record do not teach the tone signal addition determination unit as recited in the claim.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel D. Abebe whose telephone number is 571-272-7615. The examiner can normally be reached on monday-friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Daniel D Abebe/  
Primary Examiner, Art Unit 2626